

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

V.

JASON DUENAS-ORTIZ

a/k/a Jayson

a/k/a Jeyson

a/k/a Gerardo Cruz

a/k/a Leo Guajardo

(Name and Address of Defendant)

FILED  
US DISTRICT COURT  
DISTRICT OF NEBRASKA

MAR 12 2009

OFFICE OF THE CLERK

CRIMINAL COMPLAINT

CASE NUMBER: 8:09MJ61

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about the 24<sup>th</sup> of January 2009, in the District of Nebraska defendant, JASON DUENAS-ORTIZ, also known as Jayson, also known as Jeyson, also known as Gerardo Cruz, also known as Leo Guajardo, an alien who, after a conviction for an aggravated felony, had been denied admission, excluded, deported and removed and who had departed the United States while an order of exclusion, deportation or removal was outstanding, knowingly and unlawfully entered the United States and was found in the District of Nebraska, without having first obtained consent from the United States Attorney General or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557) to reapply for admission into the United States,

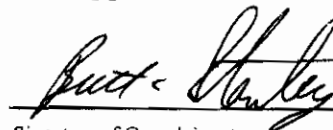
in violation of Title 8, United States Code, Section 1326(a), and subject to sentencing under Title 8, United States Code, Section 1326(b)(2).

I further state that I am a Special Agent, ICE and that this complaint is based on the following facts:

Official Title

See attached Affidavit.

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No



Signature of Complainant

Sworn to before me, and subscribed in my presence,

March 12, 2009, 2009 at Omaha, Nebraska

Date

City and State

F.A. GOSSETT III, U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT OF SPECIAL AGENT BRETT C. STANLEY**

I, **Brett C. Stanley**, being first duly sworn, hereby depose and state as follows:

I am a Senior Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (hereinafter "ICE"), Sioux City, Iowa. I have approximately 16 years of federal law enforcement experience including five years as a U.S. Border Patrol Agent, five years in various Immigration Officer positions, and six years as a Senior Special Agent.

ICE agents maintain the authority to investigate violations of the Immigration and Nationality Act, Title 8 United States Code, Title 18 United States Code, and a variety of other federal statutes.

All of the statements and information contained in this affidavit are based upon my investigations and review of investigative reports prepared by other law enforcement officers with knowledge of the facts recited; upon my conversations with law enforcement officers having personal knowledge of the pertinent facts; and upon my review of official documents and records maintained by various local, state, and federal agencies. Based thereon, all of the statements and information contained herein are true and correct to the best of my knowledge, information and belief.

I am familiar with the investigation relating to Jason Duenas-Ortiz, AKA Jayson, AKA Jeyson, AKA Gerardo Cruz, AKA Leo Guajardo, a citizen and national of Mexico, and an individual who was previously deported and has re-entered the United States unlawfully. From my involvement in this investigation, I am aware of the following information:

1. According to the Immigration Central Index System (CIS) and a fingerprint match through the IDENT / Integrated Automated Fingerprint Identification System (IAFIS), Duenas was ordered deported from the United States by an Immigration Judge on March 14, 2002 and removed from the United States on or about March 20, 2002.

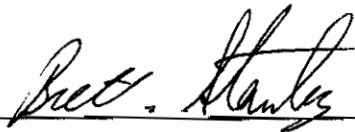
2. According to the National Criminal Information Center (NCIC) and other conviction documents, on August 8, 2001, DUENAS was convicted in Yankton, South Dakota of Impersonation. On February 5, 2002, DUENAS was convicted in Yankton, South Dakota, First Judicial Circuit, for Rape 3rd- Sexual Contact with a Child under Sixteen. On February 3, 2009, DUENAS was convicted in Madison County Nebraska of False Reporting.

3. DUENAS stated that he, in 2006, illegally re-entered the United States at a place other than a designated port of entry without authorization from the United States Attorney General or the Secretary of Homeland Security. This is in violation of 8 USC 1326.

4. On January 24, 2009, Madison County, Nebraska Sheriff Deputy James Vrbsky responded to an accident on Hwy 81 near Norfolk, Nebraska. Upon arrival, the individual causing the accident presented Deputy Vrbsky a Minnesota Identification Document utilizing the name Leo Guajardo, with a date of birth listed as April 19, 1982. Deputy Vrbsky conducted a record check revealing Leo Guajardo as having a suspended driver's license out of the State of Nebraska and a vehicle's registration check identified Leo Guajardo of Yankton, South Dakota as the registered owner of the vehicle.

Deputy Vrbsky arrested Guajardo and transported him to the Madison County Jail. Further identification checks determined the real identity of Leo Guajardo as Jason Duenas-Ortiz.

5. Based on the aforementioned facts, there is probable cause to believe DUENAS is an illegal alien aggravated felon who has violated United States Law under section 8 USC 1326; Re-entry After Deportation.



Brett C. Stanley, Senior Special Agent  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Subscribed and sworn to me this 12 day of March, 2009.



United States Magistrate Judge *F.A. Gure*  
District of Nebraska